

Remarks

This Response is provided in response to a non-final Office Action mailed July 29, 2004. The Office Action rejected claims 1-2, 4-6, 8-18, 20-22, and 24-34 under 35 U.S.C. §102(b) as being anticipated by prior art, and further rejected claims 3, 7, 19, and 23 under 35 U.S.C. §103(a) as being unpatentable over prior art.

Claim Amendments

The Applicant has provided the amendment to claim 1 to correct a typographical error. The amendment does not narrow the scope of claim 1, and does not introduce new matter into claim 1. The Applicant notes that the Examiner understood that the limitation of "sending, by the backbone, the packet through a first tunnel, to the second client," of claim 1, should have been read as "second tunnel" rather than "first tunnel," by authoring into the office action that the Examiner's interpretation of claim 1 included: "c) routing the packet between the first and second clients through the first and second tunnels."

Rejection of Claims Under 35 U.S.C. §102(b)

The Office Action rejected claims 1-2, 4-6, 8-18, 20-22, and 24-34 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,325,362 issued to Ashar Aziz, June 28, 1994 (Aziz '362). This rejection is respectfully traversed.

To sustain a rejection of a claimed invention under 35 U.S.C. §102(b), the examiner must show that each element of the claimed invention is identically shown in a single prior art reference. See *In re Bond*, 15USPQ2d 1566, 1567 (Fed. Cir. 1990).

The examiner contends that claim limitation of "establishing a first tunnel between a backbone and a first client," is identically shown by Aziz '362 at col. 6, lines 48 - 65. However, what Aziz '362 shows at col. 6, lines 48 - 65, in reference to FIG. 8 of Aziz '362, is a first tunnel, i.e., "Tunnel A," commencing at MSR 50, continuing through MSBR 62, tunneling through the OSPF backbone 25, and concluding at MSBR 70. Fig. 8 of Aziz '362 clearly shows that "Tunnel A" extends through the OSPF backbone 25, and not to the backbone, as required by the first limitation of claim 1.

The Examiner further contends that the claim limitation of "establishing a second tunnel between the backbone and a second client" is identically shown by Aziz '362 at col. 7, lines 1 - 4. However, what Aziz '362 shows at col. 7, lines 1 - 4, in reference to FIG. 8 of Aziz '362, is a second tunnel, i.e., "Tunnel B," commencing at MSBR 70, and concluding at MSR 48. Fig. 8 of Aziz '362 clearly shows that "Tunnel B" is not established between the backbone and the second client, as required by the second limitation of claim 1, but rather, "Tunnel B" is established between the mobility support border router (MSBR) 70 and the mobility support router (MSR) 48. Aziz '362 shows the MSBR 70 interposed between "Tunnel A" and "Tunnel B." The limitations of claim 1 calls for the backbone to be interposed between a first client and a second client. In other words, the current invention does not impose the limitation of establishing the first tunnel through the backbone.

Accordingly, because Aziz '362 fails to identically show each element of claim 1, Aziz '362 fails to provide a basis for the rejection of claim 1 under 35 U.S.C. §102(b). Therefore, the Applicant requests the withdrawal of the rejection of claim 1, and for the withdrawal of the rejections of each claim depending from claim 1 rejected under 35 U.S.C. §102(b), and the passage of claim 1 and each claim depending from claim 1 to allowance.

Because independent claims 15, 16, 17, 31, 32, 33, and 34 each contain limitations substantially equivalent in scope to the first and second limitation recited by claim 1, Aziz '362 rejections further fails to provide a basis for rejection of said independent claims under 35 U.S.C. §102(b). Therefore, the Applicant requests the withdrawal of the rejection of independent claims 15, 16, 17, 31, 32, 33, and 34, and requests the withdrawal of the rejections of each claim depending from independent claims 15, 16, 17, 31, 32, 33, and 34 rejected under 35 U.S.C. §102(b), and the passage of independent claims 15, 16, 17, 31, 32, 33, and 34 and each claim depending from independent claims 15, 16, 17, 31, 32, 33, or 34 to allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action further rejected claims 3, 7, 19, and 23 under 35 U.S.C. §103(a) as being unpatentable over Aziz '362 in view of United States Patent No. 6,442,588 issued

to Neal Henry Clark et al., August 27, 2002 (Clark '588). This rejection is respectfully traversed.

Because claims 3, 7, 19, and 23 depending from either allowable independent claims 1 or 17, and provide further limitations to their respective independent claims, depending claims 3, 7, 19, and 23 stand as patentable claims. Further, because Aziz '362 fails to identically show each element of claim 1, or each element of claim 17, and Clark '588 fails to cure the deficiencies of Aziz '362, Aziz '362 alone or in combination with Clark '588 fails to provide and a basis for sustaining a rejection of claims 3, 7, 19, and 23 under 35 U.S.C. §103(a).

Accordingly, the Applicant requests withdrawal of the rejection of claims 3, 7, 19, and 23; and the passage of claims 3, 7, 19, and 23 to allowance.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the non-final Office Action mailed July 29, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorneys.

Respectfully submitted,

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